

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:21-CV-00070-M

TRACI VESTAL,)
v. Plaintiff,)
NORTH WAKE EYE CARE and)
STEPHEN MERCKLE,)
Defendants.)

ORDER

This matter is before the court on the Memorandum and Recommendation (hereinafter “M&R”) of United States Magistrate Judge Robert B. Jones, Jr. [DE-6] to deny pro se Plaintiff Traci Vestal’s (hereinafter “Plaintiff”) (1) motion for leave to proceed in forma pauperis [DE-1] and (2) amended motion for leave to proceed in forma pauperis [DE-5]. Plaintiff did not file an objection to the M&R and the deadline for doing so has expired. The matter is ripe for ruling.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotations omitted); *see* 28 U.S.C. § 636(b). Absent timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (citation and quotations omitted).

The court has reviewed the M&R and the record in this case and is satisfied that there is no clear error on the face of the record. Accordingly, the court ADOPTS the M&R [DE-6] and for the reasons state therein DENIES Plaintiff’s motions at Docket Entries 1 and 5. If the Plaintiff wishes to continue to prosecute her case she is DIRECTED to tender to the Clerk of Court the

appropriate filing and administrative fees within fourteen (14) days of the entry of this order. If the fees are not tendered by this date, the Clerk of Court is DIRECTED to close the case.

SO ORDERED this the 14th day of April, 2021.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE